

CHAPTER 8. LAW AND MOTION RULES

8.1 Law and Motion Department

- a. There shall be one department of the court designated to hear civil law and motion proceedings. In addition to the matters defined in California Rules of Court, rule 303, said departments shall also hear petitions for change of name, emancipation of minors, and applications for appointment of a guardian ad litem pursuant to Code of Civil Procedure section 373. The presiding judge shall determine which departments or courts shall hear petitions regarding harassment filed pursuant to CCP Sec. 527.6.
- b. Except as otherwise provided by these rules, the California Rules of Court and applicable statutes, all special requests to place a matter on the law and motion calendar, together with all supporting papers and documents, shall be filed with the clerk no later than 4:00 P.M. on the third court day preceding the calendar.
- c. At the calling of the law and motion calendar as to any matter for which an appearance is required, a failure of the moving party to appear when called may, in the court's discretion, cause the matter to be ordered off calendar.
- d. When a matter is to be dropped, counsel for the moving party shall immediately notify the clerk of the law and motion department.
- e. By stipulation and upon payment of the applicable fees the parties may continue a matter one (1) time only without the approval of the court. Except as herein expressly provided, no matter will be continued, even by stipulation of the parties, except with the approval by the court for good cause shown. If good cause is shown to the satisfaction of the court, the requesting party shall send a confirming letter to the law and motion department and all other counsel, and if it is likely that such letter will be delivered before the hearing date the requesting party in addition shall notify all other counsel or parties in pro per by telephone.

Eff. Jan. 1, 1999. As amended, eff. Jan. 1, 2003

8.2 Filing of Papers; Headings

- a. Prior to filing any motion, the moving party must make a reasonable and good faith attempt to resolve the matter, and if resolution is not possible,

must attempt to coordinate hearing dates with any opposing parties. A declaration setting forth facts supporting such attempt or explaining why such an attempt would not be reasonable must be filed with the motion.

- b. Failure to comply with the requirements of this rule or California Rules of Court, rule 317 concerning the time for filing and serving opposing and reply papers, in the discretion of the court may be deemed cause for acting on the matter without consideration of the document filed in violation of the rule and cause for imposing sanctions. California Rules of Court, rule 227; Code of Civil Procedure sections 177.5 and 575.2.
- c. If proofs of service are not filed with the clerk of court within the time set forth in California Rules of Court, rule 317(b) the matter may be dropped from the law and motion calendar.

Eff. Jan. 1, 1999.

8.3 Format of Motions

- a. **Caption.** The form of the caption shall comply with local rule 7.5 and with California Rules of Court, rule 311.
- b. **Page Limit.** Memoranda of points and authorities in support of and opposition to a motion are limited as set forth in California Rules of Court, rule 313(d). Any application for relief must be presented and determined prior to the filing of the memoranda. Said application must be accompanied by a declaration showing good cause. The application may be presented ex parte without compliance with local rule 8.4 or California Rules of Court, rule 379.
- c. **Judicial Notice and Reports of Other Jurisdictions**
 - 1. A party requesting judicial notice of material under Evidence Code section 452 or 453 shall provide the court and each party with a copy of the material. If the material is part of a file in the court in which the matter is being heard, the party shall (a) specify in writing the part of the court file sought to be judicially noticed; and (b) make arrangements with the clerk of court to have the file in the courtroom at the time of the hearing. California Rules of Court, rule 323(b). Ordinarily such arrangements shall be made with the clerk of court at least 48 hours in advance of the hearing.
 - 2. If counsel relies on authority other than that currently printed in the

official California Reports, a legible, complete copy of such authority shall be submitted to the court and other counsel. This rule applies to federal cases from California jurisdictions, Daily Journal D.A.R. citations, Administrative Code citations, Attorney General opinions, local ordinances, etc. as well as citations to other state and federal cases. In all other respects California Rule of Court, rule 313(e) will apply.

- d. Typing, Spacing and Exhibit Formats.** Failure to comply with California Rules of Court, rule 201(b), unless a waiver of any portion of such rule has previously been obtained as provided in local rule 7.8 (d) or otherwise, may be considered cause to decide the issue without considering the motion and grounds for the imposition of sanctions.
- e. Citations.** Citations to California cases must be by reference to the official reports and shall be governed by California Rules of Court, rules 313(c) and (e).
- f. Affidavits and Declarations.** Any written statement purporting to set forth factual information in support of any motion, petition, or other application must affirmatively demonstrate, and not merely recite, that the party making and signing the same has personal knowledge as to the matters set forth therein. Star Motor Imports, Inc., vs. Superior Court (1978) 88 Cal.App.3d 201,203-205. Osmond vs. EWAP 153 Cal.App.3d 842.
- g. Demurrer/Motion to Strike.** The caption must comply in particular with local rule 7.5 and California Rules of Court, rule 325.
- h. Summary Judgment and Summary Adjudication of Issues.** All motions for summary judgment or summary adjudication of issues must conform to the requirements of Code of Civil Procedure section 437(c) and California Rules of Court, rules 342 through 345 inclusive. The requirements set forth in the Code of Civil Procedure and the California Rules of Court will be strictly enforced by the court.

Eff. Jan. 1, 1999.

8.4 Ex Parte Applications

- a. Procedure:** Unless otherwise herein directed or unless otherwise specifically ordered all ex parte applications for temporary relief, orders to show cause, orders shortening or extending time, or other kinds of orders (except probate orders) sought in the civil law and motion department or

in the family law department shall be made pursuant to California Rules of Court, rule 379.

- b. Notice to Court:** The applicant for an ex parte order shall notify the court no later than 10:00 A.M. on the day preceding the ex parte appearance of the applicant's intent to request an ex parte order.
- c. Filing:** The application for the ex parte order, together with all supporting documents and papers and the proposed order, shall be filed no later than 11:00 A.M. on the day of the ex parte hearing.

Effec. Jan. 1, 1999. As amended, eff. Jan. 1, 2003.

8.5 Motions to Compel Entry of Judgment

Motions to compel entry of judgment pursuant to Code of Civil Procedure section 664.6 shall be heard in the department of the judge before whom the parties stipulated, or if only in writing, in the law and motion department.

Eff. Jan. 1, 1999.

8.6 Law and Motion After Continuance of Trial Date and After Arbitration

The continuance of a trial date for any reason, including, but not limited to the unavailability of a court on the date set, shall not extend the date by which discovery must be completed or discovery motions heard under Code of Civil Procedure section 2024, or motions for summary judgment heard under Code of Civil Procedure section 437c(a), except by order of court upon good cause shown. After arbitration, no discovery or discovery motions shall be permitted except by order of court for good cause shown, or pursuant to Code of Civil Procedure section 2034. To obtain relief from this rule, the party must first separately notice and have heard a motion for relief for good cause shown.

Eff. Jan. 1, 1999.

8.7 Relief from Local Rules

Relief from operation of these rules must be on prior request to the court.

Eff. Jan. 1, 1999.

8.8 Sanctions

Failure to comply with any local rule or California Rules of Court may subject the party to sanctions pursuant to California Rules of Court, rule 227; Civil Code of Procedure sections 177.5 and 575.2.

Eff. Jan. 1, 1999.

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